

OCT 29 2007

PTO/SB/64 (10-07)

Approved for use through 10/31/2007, OMB 0861-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
01-8145

First named inventor: Osman Istan

Application No.: 09/990,097

Art Unit: 2815

Filed: 11/20/2001

Examiner: Leo, Lun

Title: Noise Masking Communications Apparatus

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity - fee \$ 1,540 (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of letter and transmittal fee (identify type of reply):

- ☐ has been filed previously on _____
- ☒ is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ 1400

- ☐ has been paid previously on _____
- ☒ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee☒ Since this utility/plant application was filed on or after June 8, 1996, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).**4. STATEMENT:** The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Michael Rodriguez
Signature

10/29/07
Date

Michael Rodriguez
Typed or printed name

53,528
Registration Number, if applicable

345 Encinal Street, Santa Cruz, CA 95060
Address

831-458-7490
Telephone Number

Enclosures: ☒ Fee Payment

☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Statement For delay**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.10/29/2007

Date

Michael Rodriguez
Signature
Michael Rodriguez
Typed or printed name of person signing certificate

OCT 29 2007

PATENT

IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S): Osman Isvan
SERIAL NO.: 09/990,097
FILING DATE: 11/20/2001
TITLE: Noise Masking Communications Apparatus
EXAMINER: Lao, Lun S.
GROUP ART UNIT: 2615
ATTY. DKT. NO.: 01-6145

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Services as first class mail in an envelope addresses to: Assistant Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Dated: 10/29/07By: Michael Rodriguez

Michael Rodriguez

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

REQUESTING REVIVAL OF ABANDONED APPLICATION UNDER 37.1.137

(b)

SIR:

In response to failure to properly reply to the Notice of Allowance and Fee(s) Due mailed on 7/11/2007 for the above mentioned patent application, applicant respectfully request the revival of abandoned application due to the fact the delay in paying the issue fee was unintentional because applicant failed to receive a hard copy of the Notice of

Allowance from the USPTO. Although through Private PAIR, a Notice of Allowance was in fact mailed by the USPTO to applicant, applicant never received the Notice of Allowance due to possible lost of Notice of Allowance in the mail. Enclosed are the following:

- 1) Payment of the issue fee;
- 2) The petition fee as set forth in 37 CFR 1.17 (m);

Respectfully submitted,
Osman Isvan,

Dated: 10/24/07

By: Michael Rodriguez
Michael Rodriguez, Reg. No.:
53,528
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